



Rep. Ron Sandack

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1 AMENDMENT TO SENATE BILL 1342

2 AMENDMENT NO. _____. Amend Senate Bill 1342, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 2012 is amended by
6 changing Sections 14-1, 14-2, 14-3, 14-4, and 14-5 as follows:

7 (720 ILCS 5/14-1) (from Ch. 38, par. 14-1)

8 Sec. 14-1. Definitions ~~Definition~~.

9 (a) Eavesdropping device.

10 An eavesdropping device is any device capable of being used
11 to hear or record oral conversation or intercept, ~~retain,~~ or
12 transcribe electronic communications whether such conversation
13 or electronic communication is conducted in person, by
14 telephone, or by any other means; Provided, however, that this
15 definition shall not include devices used for the restoration
16 of the deaf or hard-of-hearing to normal or partial hearing.

1 (b) Eavesdropper.

2 An eavesdropper is any person, including any law
3 enforcement officer and any party to a private conversation
4 ~~officers, who is a principal, as defined in this Article, or~~
5 who operates or participates in the operation of any
6 eavesdropping device contrary to the provisions of this Article
7 or who acts as a principal, as defined in this Article.

8 (c) Principal.

9 A principal is any person who:

10 (1) Knowingly employs another who illegally uses an
11 eavesdropping device in the course of such employment; or

12 (2) (Blank); or ~~Knowingly derives any benefit or~~
13 ~~information from the illegal use of an eavesdropping device~~
14 ~~by another; or~~

15 (3) Directs another to use an eavesdropping device
16 illegally on his or her behalf.

17 (d) Private conversation ~~Conversation.~~

18 For the purposes of this Article, "private ~~the term~~
19 conversation" means any oral communication between 2 or more
20 persons, whether in person or transmitted between the parties
21 by wire or other means, when ~~regardless of whether~~ one or more
22 of the parties intended the ~~their~~ communication to be of a
23 private nature under circumstances reasonably justifying that
24 expectation.

25 (e) Private electronic ~~Electronic~~ communication.

26 For purposes of this Article, ~~the term~~ "private electronic

1 communication" means any transfer of signs, signals, writing,
2 images, sounds, data, or intelligence of any nature transmitted
3 in whole or part by a wire, radio, pager, computer,
4 electromagnetic, photo electronic or photo optical system,
5 when ~~where~~ the sending and receiving parties intend the
6 electronic communication to be private under circumstances
7 reasonably justifying that expectation ~~and the interception,~~
8 ~~recording, or transcription of the electronic communication is~~
9 ~~accomplished by a device in a surreptitious manner contrary to~~
10 ~~the provisions of this Article.~~ Electronic communication does
11 not include any communication from a tracking device.

12 (f) Bait car.

13 For purposes of this Article, "bait car" ~~the term bait car~~
14 means any motor vehicle that is not occupied by a law
15 enforcement officer and is used by a law enforcement agency to
16 deter, detect, identify, and assist in the apprehension of an
17 auto theft suspect in the act of stealing a motor vehicle.

18 (g) Surreptitious.

19 For purposes of this Article, "surreptitious" means
20 obtained or made by stealth or deception, or executed through
21 secrecy or concealment.

22 (Source: P.A. 95-258, eff. 1-1-08.)

23 (720 ILCS 5/14-2) (from Ch. 38, par. 14-2)

24 Sec. 14-2. Elements of the offense; affirmative defense.

25 (a) A person commits eavesdropping when he or she knowingly

1 and intentionally:

2 (1) Uses ~~Knowingly and intentionally~~ uses an
3 eavesdropping device, in a surreptitious manner, for the
4 purpose of overhearing, transmitting, ~~hearing~~ or recording
5 all or any part of any private conversation to which he or
6 she is not a party ~~or intercepts, retains, or transcribes~~
7 ~~electronic communication~~ unless he or she does so ~~(A)~~ with
8 the consent of all of the parties to the private ~~such~~
9 conversation ~~or electronic communication or (B)~~ in
10 ~~accordance with Article 108A or Article 108B of the "Code~~
11 ~~of Criminal Procedure of 1963", approved August 14, 1963,~~
12 ~~as amended; or~~

13 (2) Uses an eavesdropping device, in a surreptitious
14 manner, for the purpose of transmitting or recording all or
15 any part of any private conversation to which he or she is
16 a party unless he or she does so with the consent of all
17 other parties to the private conversation;

18 (3) Intercepts, records, or transcribes, in a
19 surreptitious manner, any private electronic communication
20 to which he or she is not a party unless he or she does so
21 with the consent of all parties to the private electronic
22 communication;

23 (4) ~~(2)~~ Manufactures, assembles, distributes, or
24 possesses any electronic, mechanical, eavesdropping, or
25 other device knowing that or having reason to know that the
26 design of the device renders it primarily useful for the

1 purpose of the surreptitious overhearing, transmitting,
2 ~~hearing~~ or recording of private oral conversations or the
3 interception, ~~retention,~~ or transcription of private
4 electronic communications and the intended or actual use of
5 the device is contrary to the provisions of this Article;
6 or

7 (5) ~~(3)~~ Uses or discloses ~~divulges, except as~~
8 authorized by this Article or by Article 108A or 108B of
9 the "Code of Criminal Procedure of 1963", approved August
10 14, 1963, as amended, any information which he or she knows
11 or reasonably should know was obtained from a private
12 conversation or private electronic communication in
13 violation of this Article, unless:

14 (A) he or she does so with the consent of all of
15 the parties; or

16 (B) the information used or disclosed is a matter
17 of public concern and the person using or disclosing
18 the information is not the eavesdropper or the
19 principal.

20 (a-5) It does not constitute a violation of this Article to
21 surreptitiously use an eavesdropping device to overhear,
22 transmit, or record a private conversation, or to
23 surreptitiously intercept, record, or transcribe a private
24 electronic communication, if the overhearing, transmitting,
25 recording, interception, or transcription is done in
26 accordance with Article 108A or Article 108B of the Code of

1 Criminal Procedure of 1963. ~~through the use of an eavesdropping~~
2 ~~device.~~

3 (b) It is an affirmative defense to a charge brought under
4 this Article relating to the interception of a privileged
5 communication that the person charged:

6 1. was a law enforcement officer acting pursuant to an
7 order of interception, entered pursuant to Section 108A-1
8 or 108B-5 of the Code of Criminal Procedure of 1963; and

9 2. at the time the communication was intercepted, the
10 officer was unaware that the communication was privileged;
11 and

12 3. stopped the interception within a reasonable time
13 after discovering that the communication was privileged;
14 and

15 4. did not disclose the contents of the communication.

16 (c) It is not unlawful for a manufacturer or a supplier of
17 eavesdropping devices, or a provider of wire or electronic
18 communication services, their agents, employees, contractors,
19 or venders to manufacture, assemble, sell, or possess an
20 eavesdropping device within the normal course of their business
21 for purposes not contrary to this Article or for law
22 enforcement officers and employees of the Illinois Department
23 of Corrections to manufacture, assemble, purchase, or possess
24 an eavesdropping device in preparation for or within the course
25 of their official duties.

26 (d) The interception, recording, or transcription of an

1 electronic communication by an employee of a penal institution
2 is not prohibited under this Act, provided that the
3 interception, recording, or transcription is:

4 (1) otherwise legally permissible under Illinois law;

5 (2) conducted with the approval of the penal
6 institution for the purpose of investigating or enforcing a
7 State criminal law or a penal institution rule or
8 regulation with respect to inmates in the institution; and

9 (3) within the scope of the employee's official duties.

10 For the purposes of this subsection (d), "penal
11 institution" has the meaning ascribed to it in clause (c) (1) of
12 Section 31A-1.1.

13 (Source: P.A. 94-183, eff. 1-1-06.)

14 (720 ILCS 5/14-3)

15 Sec. 14-3. Exemptions. The following activities shall be
16 exempt from the provisions of this Article:

17 (a) Listening to radio, wireless electronic
18 communications, and television communications of any sort
19 where the same are publicly made;

20 (b) Hearing conversation when heard by employees of any
21 common carrier by wire incidental to the normal course of their
22 employment in the operation, maintenance or repair of the
23 equipment of such common carrier by wire so long as no
24 information obtained thereby is used or divulged by the hearer;

25 (c) Any broadcast by radio, television or otherwise whether

1 it be a broadcast or recorded for the purpose of later
2 broadcasts of any function where the public is in attendance
3 and the conversations are overheard incidental to the main
4 purpose for which such broadcasts are then being made;

5 (d) Recording or listening with the aid of any device to
6 any emergency communication made in the normal course of
7 operations by any federal, state or local law enforcement
8 agency or institutions dealing in emergency services,
9 including, but not limited to, hospitals, clinics, ambulance
10 services, fire fighting agencies, any public utility,
11 emergency repair facility, civilian defense establishment or
12 military installation;

13 (e) Recording the proceedings of any meeting required to be
14 open by the Open Meetings Act, as amended;

15 (f) Recording or listening with the aid of any device to
16 incoming telephone calls of phone lines publicly listed or
17 advertised as consumer "hotlines" by manufacturers or
18 retailers of food and drug products. Such recordings must be
19 destroyed, erased or turned over to local law enforcement
20 authorities within 24 hours from the time of such recording and
21 shall not be otherwise disseminated. Failure on the part of the
22 individual or business operating any such recording or
23 listening device to comply with the requirements of this
24 subsection shall eliminate any civil or criminal immunity
25 conferred upon that individual or business by the operation of
26 this Section;

1 (g) With prior notification to the State's Attorney of the
2 county in which it is to occur, recording or listening with the
3 aid of any device to any conversation where a law enforcement
4 officer, or any person acting at the direction of law
5 enforcement, is a party to the conversation and has consented
6 to it being intercepted or recorded under circumstances where
7 the use of the device is necessary for the protection of the
8 law enforcement officer or any person acting at the direction
9 of law enforcement, in the course of an investigation of a
10 forcible felony, a felony offense of involuntary servitude,
11 involuntary sexual servitude of a minor, or trafficking in
12 persons under Section 10-9 of this Code, an offense involving
13 prostitution, solicitation of a sexual act, or pandering, a
14 felony violation of the Illinois Controlled Substances Act, a
15 felony violation of the Cannabis Control Act, a felony
16 violation of the Methamphetamine Control and Community
17 Protection Act, any "streetgang related" or "gang-related"
18 felony as those terms are defined in the Illinois Streetgang
19 Terrorism Omnibus Prevention Act, or any felony offense
20 involving any weapon listed in paragraphs (1) through (11) of
21 subsection (a) of Section 24-1 of this Code. Any recording or
22 evidence derived as the result of this exemption shall be
23 inadmissible in any proceeding, criminal, civil or
24 administrative, except (i) where a party to the conversation
25 suffers great bodily injury or is killed during such
26 conversation, or (ii) when used as direct impeachment of a

1 witness concerning matters contained in the interception or
2 recording. The Director of the Department of State Police shall
3 issue regulations as are necessary concerning the use of
4 devices, retention of tape recordings, and reports regarding
5 their use;

6 (g-5) (Blank); ~~With approval of the State's Attorney of the~~
7 ~~county in which it is to occur, recording or listening with the~~
8 ~~aid of any device to any conversation where a law enforcement~~
9 ~~officer, or any person acting at the direction of law~~
10 ~~enforcement, is a party to the conversation and has consented~~
11 ~~to it being intercepted or recorded in the course of an~~
12 ~~investigation of any offense defined in Article 29D of this~~
13 ~~Code. In all such cases, an application for an order approving~~
14 ~~the previous or continuing use of an eavesdropping device must~~
15 ~~be made within 48 hours of the commencement of such use. In the~~
16 ~~absence of such an order, or upon its denial, any continuing~~
17 ~~use shall immediately terminate. The Director of State Police~~
18 ~~shall issue rules as are necessary concerning the use of~~
19 ~~devices, retention of tape recordings, and reports regarding~~
20 ~~their use.~~

21 ~~Any recording or evidence obtained or derived in the course~~
22 ~~of an investigation of any offense defined in Article 29D of~~
23 ~~this Code shall, upon motion of the State's Attorney or~~
24 ~~Attorney General prosecuting any violation of Article 29D, be~~
25 ~~reviewed in camera with notice to all parties present by the~~
26 ~~court presiding over the criminal case, and, if ruled by the~~

1 ~~court to be relevant and otherwise admissible, it shall be~~
2 ~~admissible at the trial of the criminal case.~~

3 ~~This subsection (g-5) is inoperative on and after January~~
4 ~~1, 2005. No conversations recorded or monitored pursuant to~~
5 ~~this subsection (g-5) shall be inadmissible in a court of law~~
6 ~~by virtue of the repeal of this subsection (g-5) on January 1,~~
7 ~~2005.~~

8 (g-6) With approval of the State's Attorney of the county
9 in which it is to occur, recording or listening with the aid of
10 any device to any conversation where a law enforcement officer,
11 or any person acting at the direction of law enforcement, is a
12 party to the conversation and has consented to it being
13 intercepted or recorded in the course of an investigation of
14 ~~involuntary servitude, involuntary sexual servitude of a~~
15 ~~minor, trafficking in persons,~~ child pornography, aggravated
16 child pornography, indecent solicitation of a child, ~~child~~
17 ~~abduction,~~ luring of a minor, sexual exploitation of a child,
18 ~~predatory criminal sexual assault of a child,~~ aggravated
19 criminal sexual abuse in which the victim of the offense was at
20 the time of the commission of the offense under 18 years of
21 age, or criminal sexual abuse by force or threat of force in
22 which the victim of the offense was at the time of the
23 commission of the offense under 18 years of age, ~~or aggravated~~
24 ~~criminal sexual assault in which the victim of the offense was~~
25 ~~at the time of the commission of the offense under 18 years of~~
26 ~~age.~~ In all such cases, an application for an order approving

1 the previous or continuing use of an eavesdropping device must
2 be made within 48 hours of the commencement of such use. In the
3 absence of such an order, or upon its denial, any continuing
4 use shall immediately terminate. The Director of State Police
5 shall issue rules as are necessary concerning the use of
6 devices, retention of recordings, and reports regarding their
7 use. Any recording or evidence obtained or derived in the
8 course of an investigation of ~~involuntary servitude,~~
9 ~~involuntary sexual servitude of a minor, trafficking in~~
10 ~~persons,~~ child pornography, aggravated child pornography,
11 indecent solicitation of a child, ~~child abduction,~~ luring of a
12 minor, sexual exploitation of a child, ~~predatory criminal~~
13 ~~sexual assault of a child,~~ aggravated criminal sexual abuse in
14 which the victim of the offense was at the time of the
15 commission of the offense under 18 years of age, or criminal
16 sexual abuse by force or threat of force in which the victim of
17 the offense was at the time of the commission of the offense
18 under 18 years of age, ~~or aggravated criminal sexual assault in~~
19 ~~which the victim of the offense was at the time of the~~
20 ~~commission of the offense under 18 years of age~~ shall, upon
21 motion of the State's Attorney or Attorney General prosecuting
22 any case involving ~~involuntary servitude, involuntary sexual~~
23 ~~servitude of a minor, trafficking in persons,~~ child
24 pornography, aggravated child pornography, indecent
25 solicitation of a child, ~~child abduction,~~ luring of a minor,
26 sexual exploitation of a child, ~~predatory criminal sexual~~

1 ~~assault of a child,~~ aggravated criminal sexual abuse in which
2 the victim of the offense was at the time of the commission of
3 the offense under 18 years of age, or criminal sexual abuse by
4 force or threat of force in which the victim of the offense was
5 at the time of the commission of the offense under 18 years of
6 age, ~~or aggravated criminal sexual assault in which the victim~~
7 ~~of the offense was at the time of the commission of the offense~~
8 ~~under 18 years of age,~~ be reviewed in camera with notice to all
9 parties present by the court presiding over the criminal case,
10 and, if ruled by the court to be relevant and otherwise
11 admissible, it shall be admissible at the trial of the criminal
12 case. Absent such a ruling, any such recording or evidence
13 shall not be admissible at the trial of the criminal case;

14 (h) Recordings made simultaneously with the use of an
15 in-car video camera recording of an oral conversation between a
16 uniformed peace officer, who has identified his or her office,
17 and a person in the presence of the peace officer whenever (i)
18 an officer assigned a patrol vehicle is conducting an
19 enforcement stop; or (ii) patrol vehicle emergency lights are
20 activated or would otherwise be activated if not for the need
21 to conceal the presence of law enforcement.

22 For the purposes of this subsection (h), "enforcement stop"
23 means an action by a law enforcement officer in relation to
24 enforcement and investigation duties, including but not
25 limited to, traffic stops, pedestrian stops, abandoned vehicle
26 contacts, motorist assists, commercial motor vehicle stops,

1 roadside safety checks, requests for identification, or
2 responses to requests for emergency assistance;

3 (h-5) Recordings of utterances made by a person while in
4 the presence of a uniformed peace officer and while an occupant
5 of a police vehicle including, but not limited to, (i)
6 recordings made simultaneously with the use of an in-car video
7 camera and (ii) recordings made in the presence of the peace
8 officer utilizing video or audio systems, or both, authorized
9 by the law enforcement agency;

10 (h-10) Recordings made simultaneously with a video camera
11 recording during the use of a taser or similar weapon or device
12 by a peace officer if the weapon or device is equipped with
13 such camera;

14 (h-15) Recordings made under subsection (h), (h-5), or
15 (h-10) shall be retained by the law enforcement agency that
16 employs the peace officer who made the recordings for a storage
17 period of 90 days, unless the recordings are made as a part of
18 an arrest or the recordings are deemed evidence in any
19 criminal, civil, or administrative proceeding and then the
20 recordings must only be destroyed upon a final disposition and
21 an order from the court. Under no circumstances shall any
22 recording be altered or erased prior to the expiration of the
23 designated storage period. Upon completion of the storage
24 period, the recording medium may be erased and reissued for
25 operational use;

26 (i) Recording of a conversation made by or at the request

1 of a person, not a law enforcement officer or agent of a law
2 enforcement officer, who is a party to the conversation, under
3 reasonable suspicion that another party to the conversation is
4 committing, is about to commit, or has committed a criminal
5 offense against the person or a member of his or her immediate
6 household, and there is reason to believe that evidence of the
7 criminal offense may be obtained by the recording;

8 (j) The use of a telephone monitoring device by either (1)
9 a corporation or other business entity engaged in marketing or
10 opinion research or (2) a corporation or other business entity
11 engaged in telephone solicitation, as defined in this
12 subsection, to record or listen to oral telephone solicitation
13 conversations or marketing or opinion research conversations
14 by an employee of the corporation or other business entity
15 when:

16 (i) the monitoring is used for the purpose of service
17 quality control of marketing or opinion research or
18 telephone solicitation, the education or training of
19 employees or contractors engaged in marketing or opinion
20 research or telephone solicitation, or internal research
21 related to marketing or opinion research or telephone
22 solicitation; and

23 (ii) the monitoring is used with the consent of at
24 least one person who is an active party to the marketing or
25 opinion research conversation or telephone solicitation
26 conversation being monitored.

1 No communication or conversation or any part, portion, or
2 aspect of the communication or conversation made, acquired, or
3 obtained, directly or indirectly, under this exemption (j), may
4 be, directly or indirectly, furnished to any law enforcement
5 officer, agency, or official for any purpose or used in any
6 inquiry or investigation, or used, directly or indirectly, in
7 any administrative, judicial, or other proceeding, or divulged
8 to any third party.

9 When recording or listening authorized by this subsection
10 (j) on telephone lines used for marketing or opinion research
11 or telephone solicitation purposes results in recording or
12 listening to a conversation that does not relate to marketing
13 or opinion research or telephone solicitation; the person
14 recording or listening shall, immediately upon determining
15 that the conversation does not relate to marketing or opinion
16 research or telephone solicitation, terminate the recording or
17 listening and destroy any such recording as soon as is
18 practicable.

19 Business entities that use a telephone monitoring or
20 telephone recording system pursuant to this exemption (j) shall
21 provide current and prospective employees with notice that the
22 monitoring or recordings may occur during the course of their
23 employment. The notice shall include prominent signage
24 notification within the workplace.

25 Business entities that use a telephone monitoring or
26 telephone recording system pursuant to this exemption (j) shall

1 provide their employees or agents with access to personal-only
2 telephone lines which may be pay telephones, that are not
3 subject to telephone monitoring or telephone recording.

4 For the purposes of this subsection (j), "telephone
5 solicitation" means a communication through the use of a
6 telephone by live operators:

7 (i) soliciting the sale of goods or services;

8 (ii) receiving orders for the sale of goods or
9 services;

10 (iii) assisting in the use of goods or services; or

11 (iv) engaging in the solicitation, administration, or
12 collection of bank or retail credit accounts.

13 For the purposes of this subsection (j), "marketing or
14 opinion research" means a marketing or opinion research
15 interview conducted by a live telephone interviewer engaged by
16 a corporation or other business entity whose principal business
17 is the design, conduct, and analysis of polls and surveys
18 measuring the opinions, attitudes, and responses of
19 respondents toward products and services, or social or
20 political issues, or both;

21 (k) Electronic recordings, including but not limited to, a
22 motion picture, videotape, digital, or other visual or audio
23 recording, made of a custodial interrogation of an individual
24 at a police station or other place of detention by a law
25 enforcement officer under Section 5-401.5 of the Juvenile Court
26 Act of 1987 or Section 103-2.1 of the Code of Criminal

1 Procedure of 1963;

2 (l) Recording the interview or statement of any person when
3 the person knows that the interview is being conducted by a law
4 enforcement officer or prosecutor and the interview takes place
5 at a police station that is currently participating in the
6 Custodial Interview Pilot Program established under the
7 Illinois Criminal Justice Information Act;

8 (m) An electronic recording, including but not limited to,
9 a motion picture, videotape, digital, or other visual or audio
10 recording, made of the interior of a school bus while the
11 school bus is being used in the transportation of students to
12 and from school and school-sponsored activities, when the
13 school board has adopted a policy authorizing such recording,
14 notice of such recording policy is included in student
15 handbooks and other documents including the policies of the
16 school, notice of the policy regarding recording is provided to
17 parents of students, and notice of such recording is clearly
18 posted on the door of and inside the school bus.

19 Recordings made pursuant to this subsection (m) shall be
20 confidential records and may only be used by school officials
21 (or their designees) and law enforcement personnel for
22 investigations, school disciplinary actions and hearings,
23 proceedings under the Juvenile Court Act of 1987, and criminal
24 prosecutions, related to incidents occurring in or around the
25 school bus;

26 (n) Recording or listening to an audio transmission from a

1 microphone placed by a person under the authority of a law
2 enforcement agency inside a bait car surveillance vehicle while
3 simultaneously capturing a photographic or video image;

4 (o) The use of an eavesdropping camera or audio device
5 during an ongoing hostage or barricade situation by a law
6 enforcement officer or individual acting on behalf of a law
7 enforcement officer when the use of such device is necessary to
8 protect the safety of the general public, hostages, or law
9 enforcement officers or anyone acting on their behalf;

10 (p) Recording or listening with the aid of any device to
11 incoming telephone calls of phone lines publicly listed or
12 advertised as the "CPS Violence Prevention Hotline", but only
13 where the notice of recording is given at the beginning of each
14 call as required by Section 34-21.8 of the School Code. The
15 recordings may be retained only by the Chicago Police
16 Department or other law enforcement authorities, and shall not
17 be otherwise retained or disseminated;

18 (q) (1) With prior request to and verbal approval of the
19 State's Attorney of the county in which the conversation is
20 anticipated to occur, recording or listening with the aid of an
21 eavesdropping device to a conversation in which a law
22 enforcement officer, or any person acting at the direction of a
23 law enforcement officer, is a party to the conversation and has
24 consented to the conversation being intercepted or recorded in
25 the course of an investigation of a qualified drug offense. The
26 State's Attorney may grant this ~~verbal~~ approval only after

1 determining that reasonable cause exists to believe that
2 inculpatory conversations concerning a qualified drug offense
3 will occur with ~~be committed by~~ a specified individual or
4 individuals within a designated period of time.

5 (2) Request for approval. To invoke the exception contained
6 in this subsection (q), a law enforcement officer shall make a
7 ~~written or verbal~~ request for approval to the appropriate
8 State's Attorney. The request may be written or verbal;
9 however, a written memorialization of the request must be made
10 by the State's Attorney. This request for approval shall
11 include whatever information is deemed necessary by the State's
12 Attorney but shall include, at a minimum, the following
13 information about each specified individual whom the law
14 enforcement officer believes will commit a qualified drug
15 offense:

16 (A) his or her full or partial name, nickname or alias;

17 (B) a physical description; or

18 (C) failing either (A) or (B) of this paragraph (2),
19 any other supporting information known to the law
20 enforcement officer at the time of the request that gives
21 rise to reasonable cause to believe that the specified
22 individual will participate in an inculpatory conversation
23 concerning a qualified ~~commit a drug~~ offense.

24 (3) Limitations on ~~verbal~~ approval. Each written ~~verbal~~
25 approval by the State's Attorney under this subsection (q)
26 shall be limited to:

1 (A) a recording or interception conducted by a
2 specified law enforcement officer or person acting at the
3 direction of a law enforcement officer;

4 (B) recording or intercepting conversations with the
5 individuals specified in the request for approval,
6 provided that the verbal approval shall be deemed to
7 include the recording or intercepting of conversations
8 with other individuals, unknown to the law enforcement
9 officer at the time of the request for approval, who are
10 acting in conjunction with or as co-conspirators with the
11 individuals specified in the request for approval in the
12 commission of a qualified drug offense;

13 (C) a reasonable period of time but in no event longer
14 than 24 consecutive hours; -

15 (D) the written request for approval, if applicable, or
16 the written memorialization must be filed, along with the
17 written approval, with the circuit clerk of the
18 jurisdiction on the next business day following the
19 expiration of the authorized period of time, and shall be
20 subject to review by the Chief Judge or his or her designee
21 as deemed appropriate by the court.

22 (3.5) The written memorialization of the request for
23 approval and the written approval by the State's Attorney may
24 be in any format, including via facsimile, email, or otherwise,
25 so long as it is capable of being filed with the circuit clerk.

1 (4) Admissibility of evidence. No part of the contents of
2 any wire, electronic, or oral communication that has been
3 recorded or intercepted as a result of this exception may be
4 received in evidence in any trial, hearing, or other proceeding
5 in or before any court, grand jury, department, officer,
6 agency, regulatory body, legislative committee, or other
7 authority of this State, or a political subdivision of the
8 State, other than in a prosecution of:

9 (A) the qualified ~~a drug~~ offense for which approval was
10 given to record or intercept a conversation under this
11 subsection (q);

12 (B) a forcible felony committed directly in the course
13 of the investigation of the qualified ~~a drug~~ offense for
14 which ~~verbal~~ approval was given to record or intercept a
15 conversation under this subsection (q); or

16 (C) any other forcible felony committed while the
17 recording or interception was approved in accordance with
18 this subsection ~~Section~~ (q), but for this specific category
19 of prosecutions, only if the law enforcement officer or
20 person acting at the direction of a law enforcement officer
21 who has consented to the conversation being intercepted or
22 recorded suffers great bodily injury or is killed during
23 the commission of the charged forcible felony.

24 (5) Compliance with the provisions of this subsection is a
25 prerequisite to the admissibility in evidence of any part of
26 the contents of any wire, electronic or oral communication that

1 has been intercepted as a result of this exception, but nothing
2 in this subsection shall be deemed to prevent a court from
3 otherwise excluding the evidence on any other ground, nor shall
4 anything in this subsection be deemed to prevent a court from
5 independently reviewing the admissibility of the evidence for
6 compliance with the Fourth Amendment to the U.S. Constitution
7 or with Article I, Section 6 of the Illinois Constitution.

8 (6) Use of recordings or intercepts unrelated to qualified
9 ~~drug~~ offenses. Whenever any private conversation or private
10 electronic wire, electronic, or oral communication has been
11 recorded or intercepted as a result of this exception that is
12 not related to an offense for which the recording or intercept
13 is admissible under paragraph (4) of this subsection (q) a drug
14 ~~offense or a forcible felony committed in the course of a drug~~
15 ~~offense~~, no part of the contents of the communication and
16 evidence derived from the communication may be received in
17 evidence in any trial, hearing, or other proceeding in or
18 before any court, grand jury, department, officer, agency,
19 regulatory body, legislative committee, or other authority of
20 this State, or a political subdivision of the State, nor may it
21 be publicly disclosed in any way.

22 (6.5) The Department of State Police shall adopt rules as
23 are necessary concerning the use of devices, retention of
24 recordings, and reports regarding their use under this
25 subsection (q).

26 (7) Definitions. For the purposes of this subsection (q)

1 only:

2 ~~"Drug offense" includes and is limited to a felony~~
3 ~~violation of one of the following: (A) the Illinois~~
4 ~~Controlled Substances Act, (B) the Cannabis Control Act,~~
5 ~~and (C) the Methamphetamine Control and Community~~
6 ~~Protection Act.~~

7 "Forcible felony" includes and is limited to those
8 offenses contained in Section 2-8 of the Criminal Code of
9 1961 as of the effective date of this amendatory Act of the
10 97th General Assembly, and only as those offenses have been
11 defined by law or judicial interpretation as of that date.

12 "Qualified offense" means and is limited to:

13 (A) a felony violation of the Cannabis Control Act,
14 the Illinois Controlled Substances Act, or the
15 Methamphetamine Control and Community Protection Act,
16 except for violations of:

17 (i) Section 4 of the Cannabis Control Act;

18 (ii) Section 402 of the Illinois Controlled
19 Substances Act; and

20 (iii) Section 60 of the Methamphetamine
21 Control and Community Protection Act; and

22 (B) first degree murder, solicitation of murder,
23 predatory criminal sexual assault of a child, criminal
24 sexual assault, aggravated criminal sexual assault,
25 residential burglary, aggravated arson, kidnapping,
26 aggravated kidnapping, child abduction, trafficking in

1 persons, involuntary servitude, involuntary sexual
2 servitude of a minor, or gunrunning.

3 "State's Attorney" includes and is limited to the
4 State's Attorney or an assistant State's Attorney
5 designated by the State's Attorney to provide verbal
6 approval to record or intercept conversations under this
7 subsection (q).

8 (8) Sunset. This subsection (q) is inoperative on and after
9 January 1, 2018 ~~2015~~. No conversations intercepted pursuant to
10 this subsection (q), while operative, shall be inadmissible in
11 a court of law by virtue of the inoperability of this
12 subsection (q) on January 1, 2018 ~~2015~~.

13 (9) Recordings, records, and custody. Any private
14 conversation or private electronic communication intercepted
15 by a law enforcement officer or a person acting at the
16 direction of law enforcement shall, if practicable, be recorded
17 in such a way as will protect the recording from editing or
18 other alteration. Any and all original recordings made under
19 this subsection (q) shall be inventoried without unnecessary
20 delay pursuant to the law enforcement agency's policies for
21 inventorying evidence. The original recordings shall not be
22 destroyed except upon an order of a court of competent
23 jurisdiction; and

24 (r) Electronic recordings, including but not limited to,
25 motion picture, videotape, digital, or other visual or audio
26 recording, made of a lineup under Section 107A-2 of the Code of

1 Criminal Procedure of 1963.

2 (Source: P.A. 97-333, eff. 8-12-11; 97-846, eff. 1-1-13;
3 97-897, eff. 1-1-13; 98-463, eff. 8-16-13; 98-1014, eff.
4 1-1-15.)

5 (720 ILCS 5/14-4) (from Ch. 38, par. 14-4)

6 Sec. 14-4. Sentence.

7 (a) Eavesdropping, for a first offense, is a Class A
8 misdemeanor ~~4 felony~~ and, for a second or subsequent offense,
9 is a Class 4 ~~3~~ felony.

10 (b) (Blank). ~~The eavesdropping of an oral conversation or~~
11 ~~an electronic communication between any law enforcement~~
12 ~~officer, State's Attorney, Assistant State's Attorney, the~~
13 ~~Attorney General, Assistant Attorney General, or a judge, while~~
14 ~~in the performance of his or her official duties, if not~~
15 ~~authorized by this Article or proper court order, is a Class 1~~
16 ~~felony.~~

17 (Source: P.A. 91-357, eff. 7-29-99; 91-657, eff. 1-1-00.)

18 (720 ILCS 5/14-5) (from Ch. 38, par. 14-5)

19 Sec. 14-5. Evidence inadmissible.

20 Any evidence obtained in violation of this Article is not
21 admissible in any civil or criminal trial, or any
22 administrative or legislative inquiry or proceeding, nor in any
23 grand jury proceedings; provided, however, that so much of the
24 contents of an alleged unlawfully intercepted, overheard or

1 recorded conversation as is clearly relevant, as determined as
2 a matter of law by the court in chambers, to the proof of such
3 allegation may be admitted into evidence in any criminal trial
4 or grand jury proceeding brought against any person charged
5 with violating any provision of this Article. Nothing in this
6 Section bars admission of evidence if all parties to the
7 private conversation or private electronic communication
8 consent to admission of the evidence.

9 (Source: Laws 1965, p. 3198.)

10 Section 97. Severability. The provisions of this Act are
11 severable under Section 1.31 of the Statute on Statutes.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."